

FILED 10 AUG 6 16:18 USDC-ORM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HARRY AND DAVID,
an Oregon Corporation

Plaintiff,

Civ. No.09-3013-CL

v.

ORDER

ANSHU PATHAK, an individual,
dba Organic Fruit of the Month Club,
also dba Brentwood Trading Group, &
also dba Premium Enterprises,

Defendant.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I find no error in the Report and Recommendation.

CONCLUSION

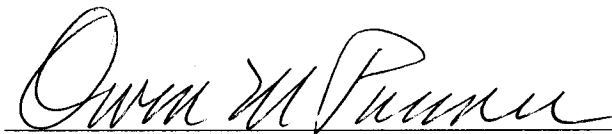
Magistrate Judge Clarke's Report and Recommendation (#37) is adopted. Plaintiff's request for sanctions (#36) is GRANTED. The court imposes the following sanctions:

- (1) Defendant's answer is stricken.
- (2) Defendant's untimely and evasive responses to plaintiff's requests for admissions are stricken. Admissions are deemed admitted.
- (3) Default judgment is entered against defendant.
- (4) Defendant is ordered to pay reasonable attorney's fees caused by defendant's non-compliance.

Magistrate Judge Clarke shall conduct a hearing regarding plaintiff's damages in this action. Defendant may contest the amount of damages, but may not contest liability.

IT IS SO ORDERED.

DATED this 5 day of August, 2010.

A handwritten signature in black ink, appearing to read "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE